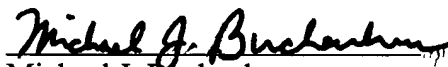


REMARKS/ARGUMENTS

Claims 1, 5-18, 22 and 26 are pending in the application. Claims 1, 5-18, 22 and 26 have been rejected. In the Office Action of Aug. 16, 2004, the Examiner rejected claims 1, 5-18, 22 and 26 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-48 of U.S. Patent 6,757,891. The Applicant respectfully traverses this rejection. A terminal disclaimer would obviate this rejection. The Applicant submits herewith a terminal disclaimer for U.S. Patent 6,757,891 – to obviate the non-statutory obviousness-type double patenting rejection above. For the foregoing reason, Applicant has respectfully traversed the Examiner's rejection.

For the foregoing reasons, Applicant respectfully requests reconsideration of the application, allowance of the pending claims, and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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Certificate of Express Mail Mailing

I hereby certify that this Amendment and Response to Office Action, and any documents referred to as attached therein are being deposited in the U. S. Post Office as Express Mail on this date, Nov. 16, 2004, to the Commissioner for Patents, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Michael J. Buchenhorner
Michael J. Buchenhorner

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154-156 and 173 of U.S. Patent No. 6,757,891, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that U.S. Patent No. 6,757,891: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

The undersigned (whose title is supplied below) is empowered to act on behalf of Assignee.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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Date: Nov. 16, 2004

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